

Return to an address, relating to ordnance lands
lying within the limits of the city of
Toronto. [Toronto], 1857.

PERMALIFE
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THE HOLLINGER CORPORATION
ARLINGTON, VIRGINIA

RETURN TO AN ADDRESS,

Relating to Ordnance Lands lying within the limits of the City
of Toronto.

(*Mr. Brown.*)

ORDERED, *by* THE LEGISLATIVE ASSEMBLY, *to be printed*, 1st May,
1857.

PRINTED, 20th June, 1857.

RETURN

To an Address from the Legislative Assembly, to His Excellency the Governor General, dated the 9th ultimo, praying His Excellency to cause to be laid before the House "Copies of all Documents "in possession of the Government in reference to the Ordnance "Lands lying within the limits of the City of Toronto; as also "all Correspondence that has passed between the Ordnance "Department and the Government, and between the Corporation "of the City of Toronto and the Government, in reference to "the same."

By Command,

T. LEE TERRILL,
Secretary.

Secretary's Office,
Toronto, 27th April, 1857.

GOVERNOR GENERAL'S SECRETARY'S OFFICE,
TORONTO, 18th April, 1857.

SIR,—In compliance with your letter of the 14th instant, I have the honor to enclose the following documents on the subject of the Toronto Military Reserve.

1. Copy of Despatch, Earl Grey, Military, No. 104, 11th July, 1851.
2. Do do Earl of Elgin, No. 96, 1st August, 1851.
3. Do do Earl Grey, No. 108, 6th November, 1851.
4. Do do do No. 109, 18th November, 1851.
5. Col. Bruce to respective Officers, 12th December, 1851.
6. Respective Officers, 14th June, 1852.
7. Col. Bruce, 18th June, 1852.
8. Copy of Lease to the Corporation.

I have the honor to be, Sir,

Your obedient servant,

R. J. PENNEFATHER,
Governor's Secretary.

E. A. Meredith, Esq.,
Assistant Secretary.

(Copy)
Military No. 104.

DOWNING STREET, 11th July, 1851.

MY LORD,—Referring to the instructions which I addressed to Your Lordship, under date of 27th of February last, No. 91, Military, with regard to the settlement of Military Pensioners on Ordnance Reserves in Canada, I now transmit for Your Lordship's consideration, copies of a letter and of its enclosures which have been received from the War Office, conveying the recommendation of the Secretary at War that, under the circumstances therein stated, the arrangement suggested by him should be adopted with regard to the Ordnance Reserve at Toronto, with a view to the settlement of pensioners upon it; and I have to instruct Your Lordship to furnish me with a report on this subject. Unless some objection exists to the measure proposed by the Secretary at War, of which I am not aware, it appears to me to be that which it would be proper to adopt.

I have, &c ,

(Signed,) GREY.

The Earl of Elgin & Kincardine,
&c., &c., &c.

WAR OFFICE, 2nd July, 1851.

SIR,—I am directed to request that you will call the attention of Earl Grey to the accompanying copy of a letter with its enclosures from Major Tulloch, the Military Superintendent of Pensioners in Canada, relative to the Ordnance Reserve at Toronto.

The Secretary at War is given to understand that about four years ago the Corporation of the Town, without paying any consideration for the same, obtained from the Ordnance a lease of the whole of this Reserve during pleasure, but on the condition that it should be planted, fenced, and formed into a Park for the recreation of the inhabitants. Nothing whatever was done till last year, and then only a small bridge was built to connect it with the town after the Corporation had become aware that it was likely to be required for other purposes, and they have recently been endeavouring to obtain permission to lease the ground to others for the purpose of cultivation, in order to obtain the means of improving it.

Considering that this Reserve extends over nearly 250 acres, such a space is never likely to be required merely as a Park or pleasure ground for so small a town as Toronto; indeed it is doubtful whether the whole of London possesses so much. The expense of fencing, draining, and bringing it into a proper state for this purpose would in itself prove an obstacle, indeed had even a tenth part of it only been leased, it may be doubtful whether the funds of the city would have proved adequate to such an undertaking: the remainder must either continue in its original state as a waste or be applied to the purpose of cultivation, which it is obviously quite as well that the Government should do through the medium of the pensioners, and with the prospect of an ultimate revenue from quit rents, as that it should be done by the Corporation of Toronto solely for their own profit.

The discontent created among the pensioners, both in New Zealand and the Falkland Islands, in consequence of the difficulty experienced in locating them in the vicinity of chief towns, where they could readily obtain employment, will, no doubt, be fresh in the recollection of Earl Grey, as also the difficulty which is

now experienced in making the pensioners available as a Military Force in Van Dieman's Land, owing to the distance at which it has been found necessary to locate them from the want of land near the Capital. The Secretary at War, therefore, confidently trusts that a similar difficulty will not be permitted to arise at Toronto, where fortunately the Crown possesses a reserve admirably adapted for the settlement of pensioners, and who would be seriously discouraged if they found they were only to have the benefit of grants where the ground was not sufficiently valuable to attract the wishes of others.

It appears to the Secretary at War that a ready mode of removing this difficulty, and with ultimate advantage to all the parties concerned, would be to give over to the Corporation from 20 to 25 acres of the land nearest the Town, with authority to convert it into a park or pleasure ground for the recreation of the inhabitants, on the understanding that it should never be applied to building purposes, which is understood to be the ultimate view of the Corporation in seeking for this grant. The remaining can then be allotted to the pensioners, in quantities not exceeding from one to two acres, with an agreement that should it ever become sufficiently valuable for building purposes, in consequence of the extension of the Town, they should be liable to removal on payment, say, of £40 an acre, with the value of their improvements.

The Government can then let it out on building lots with the prospect of a large ultimate revenue, and every object for which the Corporation at present contends will have been obtained without a sacrifice of the whole of the reserve, as they will have secured a place of recreation for the inhabitants, and the means of extending their Town when the progress of its prosperity requires more space for the purpose.

The Secretary at War trusts that Earl Grey will concur with him in the necessity for the Ordnance Department being immediately directed to resume possession of the ground for the use of the pensioners, on some such terms as these, more especially as a vessel is now about to proceed to Canada with pensioners, the majority of whom wish to settle about Toronto, and Major Tulloch might be placed in serious difficulties as to the best mode of providing for them, if deprived of the ample source which the Reserve near that Town affords.

I have, &c.,

L. SULIVAN.

The Under Secretary
for the Colonies.

MONTREAL, 14th May, 1851.

SIR,—I have the honor to inform you, that finding many of the soldiers about to be discharged here would volunteer to proceed to Toronto for the purpose of joining the Local Force, if I promised them each a few acres of the Toronto Reserve, I addressed a letter to the Storekeeper here on the subject, of which you have enclosed a copy and his answer thereto.

As there will be discharged during this and the following year in Canada between 300 and 400 soldiers, many of whom will likely locate in remote stations, consequently prevent their services being made available in the Local Force.

I therefore beg to suggest that for the purpose of inducing them to settle and join the Toronto Force, no delay should take place in serving the required notice to the Corporation of Toronto to give up the Military Reserve, the lease of which has been forfeited by them since March, 1850.

I understand that the Corporation of Toronto have lately applied to the Commanding Engineer in this country to be allowed to lease the Military Reserve at Toronto, to parties who have offered to take it for agricultural purposes.

I have, &c.,

J. D. J. TULLOCH,

The Right Honorable

The Secretary at War.

MONTREAL, 13th May, 1851.

SIR,—As I find that many of the pensioners about to be discharged in the country would willingly volunteer to proceed to Toronto for the purpose of joining the Local Force, provided hopes were held out to them of receiving two or three acres of the Military Reserve there. I have therefore to request that you will be pleased to inform me if the Corporation of Toronto have yet received notice to give it up for the purpose of locating pensioners thereon, and when it is likely to be ready for that purpose.

I have, &c.,

J. D. J. TULLOCH.

The Ordnance Storekeeper,
Montreal.

OFFICE OF ORDNANCE,

MONTREAL, 13th May, 1851.

SIR,—In reply to your letter of this day's date, requesting to be informed if the Corporation of the city of Toronto have yet received notice to give up the Military Reserve now in their possession.

I have the honor to inform you that by the Board's Order of 19th of March last, this Reserve is not legally available at present, and that a further communication will be made to us, as soon as the question of the lease to the Corporation shall have been finally determined, and of which you shall be duly informed.

I have, &c.,

P. MUNSELL,
Ordnance Storekeeper.

Major Tulloch.

GOVERNMENT HOUSE,

TORONTO, 1st August, 1851.

MY LORD,—Having conferred with Major Tulloch on the subject of Your Lordship's despatch, No. 104, of the 11th of July, I have the honor to report that

I am not aware that any objection exists to the adoption of the measure touching the Ordnance Reserve at Toronto, which is recommended by the Secretary at War, in the enclosure to that despatch ; although no doubt Your Lordship will see the propriety of shewing every reasonable consideration for the authorities of the City in carrying it out.

2. Major Tulloch informs me that he is sending by this mail to the War Office a copy of the lease passed in the year 1848 between the Principal Officers of Her Majesty's Ordnance, and the City of Toronto, in reference to this Reserve.

I have, &c.,

ELGIN & KINCARDINE.

The Right Hon. Earl Grey.

(Military, No. 108.)

DOWNING STREET, 6th November, 1851.

MY LORD,—Referring to the despatch which I addressed to Your Lordship under date of the 11th July last, No. 104, Military, and to your reply of the 1st of August, No. 96, Military, I now transmit for your information a copy of a letter which I have received from the Ordnance Office, stating the nature of the instructions which have been given by the Master General and Board to their Respective Officers in Canada, relative to the Toronto Reserve.

I have, &c.,

GREY.

The Earl of Elgin & Kincardine, K. T.

OFFICE OF ORDNANCE,

24th October, 1851.

SIR,—I have the honor, by command of the Master General and Board of Ordnance, to acknowledge the receipt of your letter dated the 9th ult., respecting the appropriation of the Ordnance Reserve at Toronto, for the settlement of Military Pensioners, and I am to acquaint you, for Lord Grey's information, that it appears quite clear from the lease of this Reserve to the Corporation of Toronto that either on the ground of the non-fulfilment of its conditions by that body, or otherwise, the Ordnance have the power to resume possession. The Master General and Board have therefore given orders to the Respective Officers of Ordnance at Montreal, forthwith to arrange the proceedings for that purpose, with every reasonable consideration, as suggested by Earl Grey, for the authorities at Toronto consistent with the objects for which its resumption is more immediately required.

The Respective Officers have been further instructed to give over the whole or such portions of the Reserve, when resumed, as the Commanding Royal Engineer (after communication with the Governor and Commander of the Forces, and with reference to the possible future wants of the Ordnance service) may deem it unnecessary to retain, to Major Tulloch for the use of the pensioners, reserving for subsequent consideration the question of transferring a portion to the Corporation on condition of their draining the ground, as well as that of reimbursing to the City, or otherwise compensating them for the expense of erecting a Bridge upon the Reserve.

The Master General and Board have likewise authorized the Respective Officers to resume possession of the Reserve at Fort Erie on the 1st of May next, and have called upon the Commanding Engineer for reports and plans of the Reserves at the several other places where it may be considered desirable to locate the pensioners.

I have, &c.,

G. BUTLER.

(Military, No. 109.)

DOWNING STREET, 18th November, 1851.

MY LORD,—Referring to my Despatch, No. 108, Military, of the 6th instant, in which I transmitted to you a copy of a letter which has been received from the Ordnance Office, stating the nature of the instructions which have been given by the Master General and Board to their Respective Officers in Canada, relative to the Toronto Reserve, I have to instruct Your Lordship to place yourself in communication with those Officers on the subject, and to take such measures in concert with them, as may be necessary to expedite the settlement of the pensioners upon the Reserve, so that a portion of it may be given over to them before the severity of the winter impedes all agricultural operations in Canada.

I have &c.,

GREY.

The Earl of Elgin and Kincardine,
&c., &c., &c.

GOVERNMENT HOUSE,

QUEBEC, 12th Dec., 1851.

GENTLEMEN,—I am directed to inform you that the Governor General has received a Despatch from the Secretary of State for the Colonies, under date the 18th November last, requesting him to place himself in communication with you on the subject of the instructions conveyed to you by the Master General and Board of Ordnance relative to the Toronto Reserve, and “to take such measures in concert with you as may be necessary to complete the settlement of the pensioners upon the Reserve, so that a portion of it may be given over to them before the severity of winter impedes all agricultural operations in Canada.”

I have &c.,

R. BRUCE,
Governor's Secretary.

The Respective Officers of Ordnance,
Montreal.

(Copy.)

OFFICE OF ORDNANCE,

MONTREAL, 14th June, 1852.

SIR,—Referring to your letter of the 12th December last, notifying the orders of the Secretary of State as to the settlement of enrolled pensioners on the Military Reserve in Toronto,

We have the honor to acquaint you that, in accordance with simultaneous orders from the Master General and Board of Ordnance, the land required to be retained for the future wants of the Ordnance has been marked on the ground, and the Corporation of Toronto having been called upon to surrender the portion of the Reserve leased to that body for a park, it will be seen by the enclosed correspondence that the Municipal authorities decline to do so, except on terms which Major Tulloch does not feel himself justified in recommending.

The Ordnance, by the terms of the lease, can resume possession with or without notice at their sole will, pleasure, judgment and discretion; but as the Secretary of State in his letter to the Master General and Board of the 9th September, 1851, intimates his desire, that in proceeding to resume the land, the Respective Officers should be careful to show every reasonable consideration for the authorities at Toronto, we beg leave to submit Major Tulloch's application to be immediately put into possession of the Western part of the Reserve, for the instructions of His Excellency the Governor General, should His Excellency have no objection.

We have, &c.,

(Signed,)

M. C. DIXON,

Colonel Commanding Royal Engineers.

WM. BELL,

Colonel Commanding Royal Artillery.

W. H. BLENKARNE,

Deputy O. S.

The Ordnance Storekeeper absent on duty.

Copy.)

MAYOR'S OFFICE,

TORONTO, 9th March, 1852.

GENTLEMEN,—I am requested by the Standing Committee on Public Walks and Gardens of the City of Toronto, to acknowledge the receipt of your communications of the 1st of December, 10th of January and 15th of February, respectively, and to state in explanation of the delay that has occurred in replying thereto, that the Civic Elections having occurred shortly after the receipt of the first letter, no competent authority existed until after the organization of the various Committees to entertain the important questions contained in those letters.

The Committee, in common with every inhabitant of the City, deeply regret that any circumstances, short of the exigencies of the public service, should have arisen, which, in the opinion of the Ordnance Department, render it necessary to revoke the grant so freely made in 1848, and which promised permanently to secure to the inhabitants of the City of Toronto, not only the opportunity of healthy recreation, but a wide and airy barrier against the over-crowding of buildings and families, so detrimental to the health of a densely populated town.

The Committee do not desire to throw any impediment or unnecessary delay in the way of the Ordnance Authorities, or to avail themselves of any legal objections which perhaps might effectually be urged against the resumption of the grant, for other than strictly military purposes; on the contrary, they will cheerfully co-operate with the Ordnance Department in making such a modification of the original lease as appear to be contemplated in the latter part of your communication of the 1st of December last.

The Committee have been led to believe that on a surrender of the present lease being made, a permanent grant to the City, on certain conditions, of so much of the Reserve as lies to the North and East of the line of the Northern Railroad might be looked for, but as exertions are being made to induce the proposed Northern, Western and Eastern Railroad Companies to unite and enter the City by the Garrison Ravine, (in which case no portions of the land now leased to the City would be crossed by these roads,) the Committee request me to press earnestly upon your attention the importance in that event of extending the limits of the piece of ground, to be received in exchange, to Lake Ontario, so that the Park may be bounded on the front by the Lake, a great and important advantage that will readily suggest itself to you. A plan shewing this proposed arrangement I beg to enclose for your inspection.

The Committee, I beg to observe, are now fully authorized to arrange and carry out, on the part of the City, any plan that may be agreed upon with reference to this property or any exchange, and the conditions upon which a surrender or exchange may take place.

I have, &c.,

(Signed,) J. G. BOWES,
Mayor.

The Respective Officers,
Ordnance Department.

OFFICE OF ORDNANCE,

MONTREAL, 19th March, 1852.

SIR,—We have the honor to acknowledge the receipt of your letter of the 9th instant, expressive of the wish of the City Council to co-operate with this Department, in giving effect to the views of Her Majesty's Government, in regard to the appropriation of the Toronto Reserve, and to state that, accepting your communication as an earnest of the readiness of the Corporation to surrender those portions of the land in their possession, which are required for the public service; we are in correspondence with the Commanding Royal Engineer, and Major Tulloch, upon that point, on receipt of whose reports, the wishes of the City Authorities will be taken into consideration, and a further communication made to you.

We have, &c.

(Signed,) THOMAS DYNELEY,
Col. C. R. A.
H. P. WULFF,
Lt. Col. C. R. E.
P. MUNSELL,
O. S. (Acting.)
W. H. BLENKARNE,
Deputy O. S.

The Mayor of Toronto.

OFFICE OF ORDNANCE,
MONTREAL, 19th March, 1852.

SIR,—Referring to the communication we addressed to you on the 1st December last, we have the honor now to transmit for your information, a copy

of a letter from the Mayor of Toronto, conveying the resolution of the City Council in respect to the Military Lands conceded by the Ordnance in 1848, for the purposes of a Park, and to state that, accepting that communication as an earnest of the readiness of the Corporation to surrender to your hands those portions of the Reserve, which you may require for the location of pensioners, we have signified the same to the Mayor of Toronto, and informed him that the wishes of the Committee of Council would be taken into consideration by this Department, after consultation with the Commanding Royal Engineer and yourself, in respect to the requirements of the public service.

We accordingly enclose herewith, a copy of the Commanding Royal Engineer's Report, of the 17th instant, with a plan, shewing the portions of the Reserve that are to be retained for the future wants of the Ordnance, and we shall esteem it a favor if you will acquaint us with the extent of ground you propose setting apart for settlement under your instructions.

With regard to the question of the appropriation of portions of the Reserve for Railway purposes, that you may be aware of the views entertained by the Master General, and Board, on the subject, we transmit for your perusal a copy of their instructions to us under date of 2nd ult., $\frac{M}{1148}$, but we have abstained from making any communication thereon to the Railway Company, and purpose awaiting the receipt of further orders from Home, a course which appears now the more desirable, as it would seem, from the Mayor's letter, to be a question whether any part of the Reserve may be required for the undertaking or not.

We have, &c.

(Signed,) THOMAS DYNELEY,
Col. C. R. A.
H. P. WULFF,
Lt. Col. C. R. E.
P. MUNSELL,
O. S. (Acting.)
W. H. BLENKARNE,
Deputy O. S.

Major Tulloch, &c., &c.

BATHURST STREET BARRACKS,
TORONTO, 27th March, 1852.

GENTLEMEN,—I have the honor to inform you, in reply to your letter of the 19th of March, with its enclosures, that as the War Office Warrant, dated 31st January, 1851, promises to each enrolled pensioner, where there is an Ordnance Reserve sufficiently extensive in the district to which they belong, not less than two acres each, and, as I have about 200 enrolled men here, I find, on reference to your plan, that, after deducting that portion of the Reserve required by you for Military purposes, there will only be about $1\frac{1}{2}$ acres over to each pensioner, consequently there will be no ground to spare for the Corporation of Toronto.

Should the Secretary at War decide in carrying out the views expressed in the annexed quotation from his letter to Earl Grey, under date 22nd August, 1851, the portion of the common which I would propose to hand over to the Corporation is shown in yellow in the tracing which I now enclose with your plan; in the meantime, however, to simplify the matter, and enable me to act to the best advantage for the interest of the pensioners, as well as to prevent the risk of our

operations being delayed another season, it appears to me in every way desirable that the whole of the land not required for Ordnance purposes, as indicated by the red line in the tracing already referred to, should be transferred to me at once, for the use of the pensioners.

I have therefore to request that you will give the necessary directions, so that this may be done with as little delay as possible, and the result of any negotiation that I may hereafter enter into with the Corporation on the subject of transferring a portion of the land to them, upon condition of their fencing and draining the remainder and making roads, will of course be communicated to the Secretary at War, as well as the Respective Officers of Ordnance, previous to any such transfer being carried into effect.

I have, &c.,

(Signed,) J. D. J. TULLOCH,
Major and Military Superintendent.

The Respective Officers,
Montreal.

(EXTRACT.)

“So far as the Secretary at War can learn, the extent of the improvements made by the Corporation of Toronto, since the land in question came into their possession, would be amply repaid by the grant even of 2 or 3 acres, but as it is very necessary that some general plan for the drainage of it should be adopted between the Corporation and Pensioners, before agricultural operations are commenced, the Secretary at War submits that it would be a good arrangement to grant a discretionary power to Major Tulloch, with the consent of the Governor, to give over to the Corporation such portion, not exceeding 60 acres, as is considered a fair equivalent for any expense they may be disposed to incur for such works of drainage or fencing, as are likely to prove beneficial to the town and the pensioners.”

OFFICE OF ORDNANCE,
MONTREAL, 10th April, 1852.

SIR,—In acknowledging the receipt of your letter of the 27th ultimo, in which you request that the whole of the land not required for Ordnance purposes at Toronto, may be transferred to you at once for the use of the pensioners,

We beg to acquaint you, that, before acceding to your request, we have determined to await the arrival of the next mail from England, *via* Halifax, which is expected in two or three days, as the Commander Royal Engineers is in hopes that the decision of the Home Authorities upon the proposed arrangement may be then received; but we shall not fail, under any circumstances, to communicate with you further on the subject, immediately after the arrival of the next mail.

We have, &c.,
(Signed,)

THOMAS DYNELY,
Col. C. R. A.
H. P. WULFF,
Lt. Col. C. R. E.
P. MUNSELL,
O. S., Acting.
W. H. BLENKARNE,
Dy. O. S.

OFFICE OF ORDNANCE,

MONTREAL, 14th April, 1852.

SIR,—With reference to our letter of the 10th instant, and as the Halifax mail has brought us no further instructions from Home, in relation to the Toronto Reserve, we beg now to acquaint you, that agreeably to the request contained in your communication of the 27th ult., the resident officer of the Royal Engineers at Toronto will be forthwith instructed, in co-operation with yourself and the Mayor of the City, to receive over from the Corporation the portion of the Reserve leased for a park, and to place you in immediate possession of all the land available for settlement by Pensioners; and we enclose for your information a copy of the letter of this date which we have addressed to the Mayor on the subject.

We have, &c.,

(Signed)

THOMAS DYNELY,
Col. C. R. A.H. P. WULFF,
Lt.-Col. C. R. E.P. MUNSELL,
O. S. Acting.W. H. BLENKARNE,
Dy. O. S.Major Tulloch,
&c., &c., &c.

OFFICE OF ORDNANCE,

MONTREAL, 14th April, 1852.

SIR,—Since the date of our communication to you of the 19th ultimo, we have been in correspondence with the Commandant Royal Engineers and the Military Superintendent of Pensioners, and have come to the determination that the future arrangements with respect to the Toronto lands will be simplified, and the views of the Superintendent for the Settlement of Pensioners, as well as the wishes of the Corporation in regard to the reservation of ground for a park, be more promptly and satisfactorily met by the immediate transfer to Major Tulloch's hands of the whole extent of the Reserve not required for Ordnance purposes, leaving it to that Officer to arrange, subject to the approval of the Home Authorities, as to the extent of ground that may be spared for the use of the inhabitants, and to enter into negotiations with you as to the terms upon which it should be ceded.

We think it right however to explain to you that the ground necessary to be retained for the future wants of the Ordnance embraces the land lying within 300 yards of the Lake shore, New Barracks, and Old Fort, together with the ravine, being in fact the same that was reserved in the lease granted by the Department to the City, and that therefore any land that may hereafter be leased to the Corporation for the purposes of a Park, must be taken from the portions of

the Reserve which is to be handed to Major Tulloch for the settlement of enrolled pensioners.

We have, &c.,

(Signed,)

THOMAS DYNELY,
Col. C. R. A.

H. P. WULFF,
Lt.-Col. C. R. E.

P. MUNSELL,
O. S., Acting.

W. H. BLENKARNE,
Dy. O. S.

The Mayor of Toronto,
&c., &c., &c.

OFFICE OF ORDNANCE,

MONTREAL, 14th April, 1852.

(Minute.)

With reference to Major Tulloch's communication of the 27th ultimo, and the Commanding Royal Engineer's report thereon of the 1st instant, the Respective Officers consider that under the Master General and Board's order of 24th October, 1851, they would not be justified in withholding from Major Tulloch possession of those portions of the Toronto Reserve which are not required by the Ordnance, and they accordingly request the Commanding Royal Engineer will be pleased to instruct the resident officer of Royal Engineers, in co-operation with the Superintendent of Pensioners and the Mayor of the City, to receive over from the Corporation the part of the Reserve leased for a park, and to place Major Tulloch in immediate possession of all the land that is available for settlement by pensioners.

The Respective Officers have acted on the suggestion of the Commanding Royal Engineer, and have written to the Mayor of Toronto to explain that the Corporation must not expect any portion of the Ordnance reservation to be ceded for the purposes of their park.

By order of Respective Officers,

(Signed,)

W. H. BLENKARNE,
Dy. O. S.

The Commanding Royal Engineer,
&c., &c., &c.

OFFICE OF ORDNANCE,

MONTREAL, 2nd June, 1852.

SIR,—With reference to our letter to you of the 14th April last, enclosing copy of the letter we addressed to the Mayor of Toronto, on the subject of the Reserve,

We have now the honor to enclose, for your information, a copy of the correspondence which has taken place between the Mayor and the Officer of Engineers, who had been directed to receive over from the Corporation the portion of the Reserve intended for the use of the pensioners, and request you will be good enough to favor us with your opinion thereon, with any suggestions you may have to offer which would in any way tend to obviate the difficulty in question, and lead to a satisfactory settlement with the Corporation.

We have, &c.,

(Signed,)

M. C. DIXON,
Col. C. R. E.

WM. BELL,
Col. C. R. A.

W. H. BLENKARNE,
Deputy O. S.

The Ordnance Storekeeper absent on duty.

Major Tulloch,
&c., &c., &c.

R: E. O.,

TORONTO, 13th May, 1852.

SIR,—Having been directed by the Commanding Royal Engineers, C. W., in compliance with orders from Head Quarters, dated 15th ult., to lockspit the boundary of the land at the Military Reserve at this Station, to be retained by the Ordnance for present defensive purposes, in accordance with a plan supplied me for guidance, and upon this being executed, in co-operation with Major Tulloch, to receive over from you on the part of the Corporation of Toronto, the land leased to that body at 1s. per annum, under certain conditions, for the purposes of a Park.

I have now the honor to request to be informed when you will be pleased to meet Major Tulloch and myself for the purpose above mentioned, to enable me to comply with the continuation of the same order, viz: that I may deliver over to Major Tulloch such portion of this property as is intended for the use of the pensioners.

I have, &c.,

(Signed,)

W. F. RENWICK,
Capt. R. E.

The Mayor of Toronto,
&c., &c. &c.

MAYOR'S OFFICE,

TORONTO, 14th May, 1852.

SIR,—I have the honor to acknowledge the receipt of your communication of the 13th instant, requesting to know when it will be convenient for me to meet Major Tulloch and yourself, to deliver over that portion of the Ordnance Reserve held under lease by the City of Toronto. In reply, I beg to refer you to my communications to Major Tulloch, of the 5th instant, and of this day, for the

conditions upon which the City Council will, at any time, surrender the lease of the premises referred to, a copy of which communications I beg to enclose.

I have, &c.,

(Signed,) J. G. BOWES,
Mayor.

MAYOR'S OFFICE,

TORONTO, 5th May, 1852.

SIR,—The Standing Committee on Walks and Gardens of the Common Council, in view of the authority vested in them to negotiate the terms of a surrender of the lease the City holds of the lands known as the Garrison Reserve, having had under consideration a communication from the Respective Officers of the Ordnance Department, of the 14th ultimo, in which it is stated by the Respective officers that they have come to the determination that the future arrangement with respect to the Toronto lands will be simplified, and the views of the Superintendent for the Settlement of Pensioners, as well as the wishes of the Corporation, in regard to the reservation of ground for a Park, will be more promptly and satisfactorily met by the immediate transfer to Major Tulloch's hands of the Reserve not required for Ordnance purposes, leaving it to that officer to arrange, subject to the approval of the Home Authorities, as to the extent of ground that may be spared for use of the inhabitants, and to enter into negotiations with you as to the terms upon which it should be ceded."

I beg to acquaint you that the Committee do not deem it within the scope of the authority given them to make the unconditional surrender required by the communication of the Respective Officers, but they are prepared to recommend to the Council to surrender the lease they now hold upon receiving a sufficient assurance that about one hundred acres of the eastern portion of the Reserve will be conveyed to the City with an avenue to Queen Street, subject to resumption only in case it should be required for strictly military operations, and to expend one thousand pounds currency upon improving the same, the said sum as may have been or may hereafter be from time to time expended thereon, or on the approaches thereto, with interest to be reimbursed to the City in case of the lands being resumed.

I have, &c.,

J. G. BOWES,
Mayor.

Major Tulloch,
&c., &c., &c.

MAYOR'S OFFICE,

TORONTO, 14th May, 1852.

SIR,—Referring to my communication of the 5th instant, in which it is stated that the Committee were prepared to recommend the expenditure of one thousand pounds on the improvement of the Ordnance Reserve, it was intended by the Committee that that sum should be placed at your disposal for the purpose of opening roads and draining that part of the Reserve, set apart for the military pensioners.

I have, &c.,

J. G. BOWES,
Mayor.

Major Tulloch,
&c., &c., &c.

BATHURST STREET BARRACKS,

TORONTO, 8th June, 1852.

GENTLEMEN,—With reference to your letter of the 2nd instant, and its enclosures, I have the honor to inform you that, in consequence of the Corporation of Toronto declining to surrender the Lease they now hold of the Garrison Reserve, until they received a sufficient assurance that about 100 acres of the eastern portion of the Reserve would be conveyed to the City, I did not consider myself justified in recommending so large a quantity of land to be assigned over to the Corporation until I ascertained the views of the new Government at home, on the subject, to whom I forwarded their letter.

I, however, regret that since doing so, some of the pensioners who came out to this country in expectation of receiving allotments of land in the Reserve, have, in consequence of the delay which has taken place, applied to be furnished with a passage back to England; and others who sent in their names as candidates, to serve in the Enrolled Force, have withdrawn them.

As it is understood by the unfavourable reports which have gone home from the pensioners here, as to the delay which has taken place in obtaining land, and as there is no doubt from the terms of the Lease granted to the Corporation, that the Ordnance Department have a right to resume possession of the Military Reserve when they think proper, it therefore appears to me that the Corporation could be ordered by you to give up the Reserve without delay, leaving it to the proper authorities at Home to issue instructions as to how much of the Eastern portion of the Reserve, if any, is to be granted for the use of the Corporation; and in the meantime, I could be giving out to pensioners small allotments of land on the Western part of the Reserve, from which they might this year be able to obtain a crop.

I have, &c.,

J. D. J. TULLOCH,
Major, Military Superintendent.

The Respective Officers,
Montreal.

GOVERNMENT HOUSE,

QUEBEC, 18th June, 1852.

GENTLEMEN,—I am directed to acknowledge the receipt of your letter of the 14th instant, submitting copies of certain correspondence which has passed between yourselves, the Mayor of Toronto, and Major Tulloch, Military Superintendent of Enrolled Pensioners, on the subject of the Military Reserve at Toronto, and requesting the Governor General's instructions in relation thereto.

His Excellency desires me to observe that he feels some difficulty in complying with your request, the matter being already so far advanced, and the diagram, to which allusion is made in these letters, not having been forwarded with the other documents. He is inclined to think, however, assuming your statement, that "the Ordnance, by the terms of the lease, can resume possession, "with or without notice, at their sole will, pleasure, judgment, and discretion," to be correct, that the Corporation should be called upon to surrender the lease to the Ordnance authorities, reserving, at the same time, for the use of the City, such a portion of the Reserve in the most convenient situation, for the purposes to which it is to be applied, as a due consideration for the requirements of the Ordnance and the pensioners will admit of. The other conditions, respecting

fencing, laying out roads, &c., must of course be simultaneously arranged ; and it would appear, from the despatch of the Secretary at War on the subject, that the local authorities are precluded from giving up more than 60 acres for municipal purposes.

I have, &c.,

R. BRUCE,

Governor's Secretary.

The Respective Officers,
Montreal.

(Copy.)

This Indenture of Lease made the 18th of March, in the year of our Lord, 1848, between the Principal Officers of Her Majesty's Ordnance of the one part, and the City of Toronto of the other part: Whereas the City of Toronto has applied to the Principal Officers of Her Majesty's Ordnance for a Lease of part of the Military Reserve adjacent to the said City, for the purpose of converting the same into a Park to be used by the Inhabitants of the said City for their recreation and amusement,—And whereas the said Principal Officers consider it expedient to reserve for themselves the water lots lying along the said Reserve, but have agreed to grant to the said City such portions of the said Reserve as are delineated upon the diagram on this sheet contained and hereinafter more particularly described, upon the said City covenanting to take such steps as may be necessary to level the same and to fence it in and plant it, and bring it into a park-like condition upon a certain plan to be submitted by the said City, and approved of by the said Principal Officers, and also covenanting to allow the said parcel of land to be at all times used by the Inhabitants of the said City for their amusement, and not to apply it to any other purpose whatsoever,—And whereas the said Principal Officers have thought it necessary for the public interest to reserve for themselves the right of using the said Park for certain purposes hereinafter described, and also a power of determining and rendering void the lease hereby granted and resuming either the whole property hereby demised, or such portions thereof as the exigencies of the public service may seem to the Principal Officers aforesaid to require, and the said City of Toronto has agreed to accept a lease with such conditions and reservations. Now this Indenture witnesseth, that in consideration of the yearly rent hereby reserved, and of the covenants, provisoes, conditions and agreements hereinafter contained by and on the part and behalf of the said City of Toronto and their successors to be paid, respectively paid, done, performed, fulfilled and kept. The Principal Officers of Her Majesty's Ordnance have demised, leased and set by these presents, do demise, lease and set unto the City of Toronto and their successors, all that parcel or tract of land, tenements and hereditaments, situate, lying and being within the liberties of the City of Toronto aforesaid, being composed of part of the Military Reserve within the said liberties, and which parcel or tract of land hereby demised is represented and delineated as bounded by the red line or shade on the diagram of the said Military Reserve on this sheet contained, and which said parcel or tract of land may be better known and described as follows, that is to say:—On the North it is bounded by the Lake Shore road, being a continuation of Lot Street and ground leased for a Lunatic Asylum; on the South and East by land retained by the Ordnance; and on the West by a Concession road containing about 287 acres more or less; together with all and singular the ways, waters, watercourses, easements, advantages, rights, members and appurtenances whatsoever thereof, TO HAVE AND

TO HOLD the said parcel or tract of land, tenements, hereditaments, with their appurtenances hereby demised or intended so to be, unto the City of Toronto, from the day next before the date of these presents, thenceforth and unto the full and term of nine hundred and ninety-nine years hence next ensuing. Subject nevertheless to the provisos hereinafter contained for determining the said term. Yielding and paying therefor yearly and every year during the said term, determinable as aforesaid unto the Principal Officers of Her Majesty's Ordnance for the time being, upon the first day of January in each and every year during the continuance of the said term, the yearly rent or sum of one penny sterling money of Great Britain and Ireland, the first payment thereof to begin and be made on the 1st day of January now next ensuing. And the City of Toronto doth hereby covenant and agree to and with the Principal Officers of Her Majesty's Ordnance for the time being, in manner following, that is to say, that the City of Toronto shall and will from time to time, and at all times during the continuance of the said term, well and truly pay or cause to be paid unto the Principal Officers of Her Majesty's Ordnance for the time being, the said yearly rent of one penny, hereby reserved on the day appointed for payment thereof according to the true intent and meaning of these presents; and also that the City of Toronto shall forthwith proceed to have the said parcel of land ploughed and made level, and brought into a Park-like condition, and shall within five years from the date of these presents lay down the land hereby demised with sound grass seeds, and shall within the period last aforesaid cause the said premises to be enclosed with a fence, to be planted with trees and shrubs according to a plan thereof to be made out and produced by the City of Toronto and submitted to and approved of by the Principal Officers of Her Majesty's Ordnance, by a writing under the hand of the Commanding Royal Engineer in Canada, or in pursuance of written orders from the Commanding Royal Engineer in Canada, by writing under the hand of the Senior Royal Engineer on duty at the City of Toronto, and which place shall comprise the whole of the said hereby demised premises and shall represent the same delineated and laid out in pleasure grounds and ornamental park for the purposes of pleasure, recreation and amusement to the inhabitants of the City of Toronto, and with a view to the ornament and salubrity of the said City. And also, that the City of Toronto shall and will from time to time, and at all times during the continuance of this present demise, use the premises hereby demised or intended so to be for the purposes of a park and for no other purpose whatsoever, and shall and will allow to all the inhabitants of the said City free ingress and egress to and from the said park at all reasonable times and hours for their recreation and amusement under certain regulations to be made by the Common Council of the said City under their corporate seal, and also that the City of Toronto will not cut down or destroy any of the ornamental, or other trees, or shrubs, which shall at any time, or times, during the said term, and the operation of these presents, grow in or upon the said premises hereby demised, except such trees and shrubs as shall be decayed or cease to be ornamental, but will carefully preserve the same, except as aforesaid, and will cause the same to be properly trimmed, pruned, supported, and adjusted at seasonable times of the year, and will plant in the place and stead of every tree or shrub which shall be decayed or become unornamental during the said term and the operation of these presents, a thriving tree, or shrub of proper growth, of the same or some better sort, and will not use the said hereby demised premises, or the said pleasure grounds and ornamental park, for any other purposes whatsoever than those of pleasure and ornament, nor will commit, or suffer to be committed on the said demised premises, or any part thereof waste, spoil, or destruction whatsoever, and also, that the principal entrance to the said hereby demised premises, when formed into an ornamental park and pleasure grounds as

aforesaid, shall be by and over a stone bridge to be erected over the stream represented on the said diagram hereinbefore referred to, connecting the banks of the ravine through which it flows, the said bridge to be in continuation of and in direct line with King Street in the said City of Toronto, and that the said bridge and all surveys, plans, boundary stones, fences, trees, shrubs, gravel, and all improvements and ornaments, structures and erections whatsoever upon the said premises shall be made, placed, erected, planted, performed at the sole and only costs and charges of the City of Toronto, by and with the approbation and consent in writing of the Principal Officers of Her Majesty's Ordnance, under the hand of the Commanding Royal Engineer in Canada, or in pursuance of written orders from the Commanding Royal Engineer in Canada by writing under the hand of the Senior Royal Engineer on duty at the City of Toronto, and also, that the City of Toronto will not at any time, or times, during the continuance of the said term or the operation of these presents, assign, demise, or otherwise dispose of, or in anywise part with the possession of the said hereby demised premises or any part thereof to any person or persons whatsoever for the whole or any part of the said term without the license or consent, in writing of the Principal Officers of Her Majesty's Ordnance, for the time being, first had and obtained under their common seal for that purpose, and also, that the City of Toronto will not at any time, or times, during the continuance of the said term, or the operation of these presents, erect any house, cottage, building or structure whatsoever, nor dig, sink, build or make any sewers, drains, ditches, excavations, palings, fences, walls or stockades of any description or kind whatsoever, nor plant or set out any trees, shrubs, or hedges, nor lay out or construct any roadway, path or carriage road, nor break or carry away the soil on the said demised premises, other than such as shall be described, delineated, marked out or specified in the plans, specifications thereof to be from time to time submitted to and approved of by the Commanding Royal Engineer in Canada, by writing under his hand, or in pursuance of written orders from the Commanding Royal Engineer in Canada, by writing under the hand of the Senior Royal Engineer on duty at the City of Toronto, and will not divert or turn aside any water, drain or sewer now being, or at any time hereafter, during the continuance of the said term, or the operation of these presents, to be in or upon any land adjoining the said hereby demised premises, or any part thereof, and will not stop, divert, or in any manner change the course of any creek, stream, now running, or that may hereafter run, over and upon the said demised premises, or in any manner use the same, so as to pollute or deteriorate the water therein;—And also, that the Principal Officers of Her Majesty's Ordnance for the time being shall at all times, during the continuance of the said term, have full and free liberty and right, at the free will and pleasure, discretion, and judgment of the Principal Officer of Her Majesty's Ordnance for the time being, to use, occupy, and enjoy the whole or any part of the said hereby demised premises, for the purpose of exercising Her Majesty's Troops and Forces, in all or any of their military exercises, evolutions, drills, and manœuvres, of what kind or nature soever, in the military art, without any let, hindrance, or interruption whatsoever from the City of Toronto, or any person or persons whatsoever by the authority, order, direction, or permission of the City of Toronto, claiming under these presents or otherwise howsoever;—And also, that the Principal Officers of Her Majesty's Ordnance for the time being, by themselves, appointees, officers, agents, servants, either with or without workmen or others, shall have full power and free liberty and right, at the free-will, pleasure, and discretion of the Principal Officers of Her Majesty's Ordnance for the time being, at any time, and all times during the continuance of the said term, to enter into and upon the said hereby demised premises, and every part and parcel thereof, in

order to view the same and see and examine the state and condition thereof, and in case the Principal Officers of Her Majesty's Ordnance for the time being, by themselves, appointees, officers, agents, or servants shall find anything in disrepair, or amiss, or inconsistent with the plan or plans hereinto before referred to, and duly approved of by the Principal Officers of Her Majesty's Ordnance for the time being, and shall deliver to the City of Toronto, by serving upon the Mayor and Chief Officer, Chamberlain, Clerk, or one of the Aldermen of the City of Toronto for the time being, a notice in writing signed by the Commanding Royal Engineer in Canada, or, in pursuance of written orders from the said Commanding Royal Engineer in Canada, by the Senior Royal Engineer on duty at the City of Toronto for the time being, enjoining the City of Toronto to repair or amend the said hereby demised premises, or any part thereof, in the respects and manner in such notice specified, and in accordance with such plan or plans as aforesaid, then the City of Toronto shall, within the space of three calendar months after the delivery or service of such notice as aforesaid, repair, alter, or amend the same accordingly;—And also, that the City of Toronto will discharge and pay all taxes, assessments, and other impositions whatsoever, which now are, or shall at any time hereafter, during the continuance of the said term hereby granted, be taxed, charged, or imposed upon the said demised premises, or any part thereof, or upon the landlord or tenant in respect thereof, or any part thereof, by Parliamentary or other authority whatsoever;—And also, that the City of Toronto will at the expiration, or other sooner determination of the said term hereby granted, peaceably and quietly yielded up unto the Principal Officer of Her Majesty's Ordnance for the time being, the said hereby demised premises in good repair and condition, together with all the appurtenances thereof, free and clear of all encumbrances whatsoever by the City of Toronto, made, or knowingly or willingly suffered to be made, or incurred thereon, or any part thereof;—Provided always, and it is hereby agreed and declared between and by the parties hereto, that it shall be lawful for the Principal Officer of Her Majesty's Ordnance for the time being, at all times during the continuance of the said term, to put an end to this present demise, and the term hereby granted, so far as relates to * * * such part or parts of the lands hereby demised as the Principal Officers of Her Majesty's Ordnance for the time being, may, in their sole discretion and judgment, deem necessary, or require and designate by writing diagram, metes and bounds, or other definite limits for the site or sites, or the use or convenience of one or more barracks, or other military buildings, or erections for the accommodation, convenience or service of Her Majesty's Forces, and also for the cite or cites of one or more military cemetery or cemeteries, or burying grounds, and at all times during the continuance of the said term hereby granted, to have full and free liberty, power and right of ingress and egress, and regress, to and for themselves, their agents, workmen and laborers, and with or without horses, carts, waggons, teams and carriages, and all and every other person and persons by their appointment or permission into and upon, and over and from all and every part of the said demise premises to lay materials there for the construction of barracks thereon as aforesaid, for the purpose of planning, measuring, laying out and building such barracks, and fencing or walling in the same, and after the same are built, for the purpose of repairing or enlarging the same, and also with like liberty, power and right of ingress, egress and regress, to and for themselves, their agents, servants, workmen and laborers, and all and every other person or persons, by their appointment or permission, and with or without horses, carts, waggons, teams and carriages, in and upon and over and from all and every or any part of the said premises, with commissariat and other supplies and baggage, for the use and convenience of Her Majesty's troops, stationed in such barracks,

from time to time, and at all times, and for all the military or other purposes in any manner relating to the said barracks; and also to lay materials there for the fencing and walling in and laying out of one or more military cemeteries or burying grounds as aforesaid, and for the purpose of constructing such fence or wall, and planning, measuring and actually laying out and completing such cemeteries or burying grounds, and after the same are constructed, planned, measured and laid out, for the purpose of repairing or enlarging the same, and for erecting monuments and tombstones therein, and also with the like liberty, power and right of ingress, egress and regress, for themselves, their agents, servants, workmen and laborers, and to and for Her Majesty's troops and forces, with or without horses and carriages, for all purposes relating to the said cemeteries or burying grounds, doing as little damage as possible in all their doings, actings and travels to and from and about the said barracks and cemeteries, and all operations in and about the same respectively, and to put an end to this present indenture, and every clause and matter and thing herein contained, so far as respects those parts of the said demised premises so designated as aforesaid, and the same shall accordingly cease, determine and be void any thing herein to the contrary notwithstanding.

Provided also, and it is hereby further declared and agreed by and between the parties hereto, that it shall be lawful for the Principal Officer of Her Majesty's Ordnance for the time being, at any time to determine and put an end to this present demise, and the term hereby granted, with or without notice, at their sole will, pleasure, judgment and discretion, by entering on the lands hereby demised, and resuming the actual possession thereof, or otherwise as they shall deem best, and thereupon the present indenture, and every clause, matter and thing therein contained shall, upon such entry or resumption of possession, with or without notice as aforesaid, cease, determine, and be void, any thing herein contained to the contrary, in any wise notwithstanding.

Provided always, and these presents are upon this express condition, that in case default shall be made in the observance, performance, or fulfilment of any one or more of the covenants, agreements, provisoes, and conditions in this Indenture contained, and on the part of the City of Toronto, to be observed, performed, and fulfilled; then in either of any of the said cases, it shall be lawful for the Principal Officer of Her Majesty's Ordnance for the time being, to re-enter into the said demised premises, or any part thereof, in the name of the whole, and to repossess, occupy and enjoy the same as in their former estate; anything in these presents contained to the contrary in any wise notwithstanding: and upon such entry the said term hereby granted shall cease, determine, and be absolutely void, to all intents and purposes whatsoever. And the Principal Officers of Her Majesty's Ordnance for the time being, hereby covenant and agree, to and with the City of Toronto, that it shall be lawful for the City of Toronto, paying the said yearly rent, hereby reserved, and observing to performing, keeping, and fulfilling all and singular the several covenants, conditions, agreements, and provisoes in this Indenture contained; on their part to be respectfully paid, observed, performed, kept and fulfilled, peaceably and quietly to enjoy, hold, and occupy the said hereby demised premises, and every part thereof, during the said term of years, subject to and with the exceptions, limitations, and reservations herein contained, without any eviction, interruption or denial whatsoever from or by the Principal Officer of Her Majesty's Ordnance for the time being; or any other person or persons whomsoever, lawfully claiming, or to claim from, through, under, or on trust from them, or by their permission, order, direction or authority. And the said City of Toronto hereby further covenants and agrees to and with the said Principal Officers of Her Majesty's Ordnance, that within two months from and after the date of this Indenture, the said City of Toronto shall and will prepare a plan of the said Military Reserve, hereby leased to the said City of

Toronto, shewing thereon the intended Park to be laid out, by the said City of Toronto, on the said Military Reserve, as fully and completely as the same is to be carried out on execution by the said City of Toronto; and also shall and will, within two years from the date of this Indenture, form and complete a road round the said Park, make the necessary roads and bridges for access thereto, and fence the same in with a good substantial fence; and also shall and will commence the planting of trees as soon after the execution of this Indenture as the season will permit, and complete the same within three years thereafter; and shall not nor will permit or allow any crops to be taken from off or out of the said land, except grass or hay, after the expiration of three years from the date of this Indenture; and in case of the non-performance or breach of this covenant, or any part thereof, this Indenture shall be null and void; and the said City of Toronto covenants and agrees to surrender and yield up the said Military Reserve, thereupon, to the said Principal Officers of Her Majesty's Ordnance, without any molestation, interruption, hindrance, or denial.

In witness whereof, the parties hereto have hereunto affixed their respective seals the day and year first above.

Written in duplicate.

Signed, Sealed, and Declared, in presence of:—

The Principal Officers of Her Majesty's Ordnance, by the Legally
Authorized Attorney.

(Signed,)

J. HILLYARD CAMERON,
Barrister at Law,
Toronto.

TORONTO, 1st September, 1856.

SIR,—The Corporation of the City are desirous of obtaining twenty or thirty acres west of the Lunatic Asylum for the purpose of erecting a Jail and Reformatory Institution. This land, we are informed, is now vested in the Government; and I have been instructed to ask, whether the Government are willing to dispose of it, and upon what terms.

It is a matter of consequence to the City that the building of the jail should be commenced this fall; an early answer will therefore much oblige

Your very obedient servant,

(Signed,) JOHN BEVERLY ROBINSON,
Mayor.

The Honorable
The Provincial Secretary,
&c., &c., &c.

SECRETARY'S OFFICE,

TORONTO, 3rd September, 1856.

SIR,—I have had the honor to receive and lay before His Excellency the Governor General, your letter of the 1st instant, stating that the Corporation of the City are desirous of obtaining twenty or thirty acres west of the Lunatic Asylum, for the purpose of erecting a Jail and Reformatory Institution, and

inquiring if the Government are willing, and if so, on what terms, to dispose of the required ground.

His Excellency desires me to inform you that your communication will be taken into consideration as soon as circumstances will permit.

I have, &c.,

(Signed,)

E. A. MEREDITH,

Assistant Secretary.

J. B. Robinson, Esquire,
Mayor,
Toronto.

SECRETARY'S OFFICE,

TORONTO, 3rd November, 1856.

SIR,—I have the honor to acquaint you, with reference to my letter of the 3rd September last, that His Excellency the Governor General has had under his consideration in Council your letter of the 1st of that month, stating that the Corporation of the City of Toronto are desirous of obtaining a certain tract of land, to the extent of 20 or 30 acres, situated west of the Provincial Lunatic Asylum, and formerly forming portion of the Ordnance Lands, for the purpose of erecting a Jail and Reformatory Institution, and requesting to be informed whether the Government are willing to dispose of the said land, and if so, on what terms.

I am directed to acquaint your Worship in reference thereto, that the manner of laying out and disposing of the large property of which the tract referred to in your letter forms part, is now under the consideration of His Excellency in Council, and that it is impossible at present to know how the portion in question may be eventually laid out or disposed of.

Under these circumstances, the application made by your Worship must of course remain over for future consideration.

I have, &c.,

(Signed,)

E. A. MEREDITH,

Assistant Secretary.

The Mayor,
Toronto.

ROYAL ENGINEER HEAD QUARTER OFFICE,

MONTREAL, 8th December, 1856.

SIR,—In transmitting to you the accompanying documents, I have the honor to forward copies of the instructions I have received from the Secretary of State for War on the subject for the information of the Colonial Government.

Indenture in duplicate of a portion of land on the Military Reserve at Toronto.

I am aware that the purchase money has been paid into the hands of the War Department, Montreal.

I have, &c.,

(Signed,)

W. R. ORD,

Col. Commanding Royal Engineers, Canada.

Major Coffin,
Ordnance Land Agent,
Montreal.

DEPARTMENT OF THE INSPECTOR GENERAL OF FORTIFICATIONS,
WAR DEPARTMENT,

PALL MALL, 21st Nov., 1856. ²⁴⁰/₁₄

Memorandum for the Commanding Royal Engineer, Canada.

The annexed copy of the opinion of the Solicitor to this Department is forwarded to the Commanding Royal Engineer, for his information and guidance with reference to his letter of the 24th ultimo, transmitting the Indenture in duplicate, thereon alluded to.

The Commanding Royal Engineer is requested to make the necessary communication to the Colonial Government.

For the I. G. F.
(Signed,) H. C. OWEN.

(Copy.)

The Secretary of State for War cannot execute these Deeds, and they must be returned to Canada. It appears from Col. Harnes' minute on ^E/₂₆₇₇, that the argument for the sale of the land in question had been made, but the purchase money had not been paid.

By the Canada Act of 1856, the legal estate in the land, subject to such agreement, passed to the Colonial Government, in whom it is now vested.

That body must therefore convey that land to the Railway Company, but the Imperial Government will be entitled to the purchase money, inasmuch as all the lands transferred to the Colony were, by the 6th Section of the Act, rendered subject to all sales and agreements previously entered into.

(Signed,) C. G. BANNISTER,
Solicitor, War Department,

19th Nov., 1856.

True copies,
(Signed,) James Kerr,
Sen. Clerk, R. E. Department.

MAYOR'S OFFICE,
TORONTO, 4th Feb., 1857.

SIR,—At the last conference which the Committee of the Toronto City Council had with Mr. Attorney General Macdonald, on the subject of the Western Park property, otherwise called the Ordnance Reserve, it was understood that the Committee should endeavour to make some proposition to the Government, with a view to the compromise of the differences which exist between the Executive and the City on the subject of that property.

The interval which has elapsed has accordingly been diligently employed in endeavoring to frame a proposal of such a character that it might reasonably be expected to be accepted by the Government, and to be sanctioned by the City Council, and what seems to me to be such a proposal, I beg now to submit.

I would first remark, that while I am aware that the Government disputes the validity or present subsistence of the Lease to the City, the position of the City, in regard to it, is supported by the best legal opinions they have yet been able to obtain.

It will be borne in mind then, that the Lease is for 999 years, and, as I understand, binds the City to put and keep all the grounds embraced in it in Park-like condition, subject to resumption of part, or all, (if necessary,) for Barracks, and Military Cemeteries, subject to this Lease; I presume the property belongs to the Government, and I understand that the Government claims to have contracted obligations on the assumption derived from the Authorities at home, that the Lease to the City had been legally determined.

Now, I suggest, by way of fairly meeting the views and consulting the interests of all parties, that for the fee-simple of the whole of the Ordnance Reserve, exclusive of the portions which are reserved for Barracks, &c., and without reference to the Boundaries in the Lease, the City do deliver to the Government Debentures to the amount of £50,000 currency, bearing interest, the transfer being made to the City for this sum, subject to the condition that the City may sell or lease such portions of the property as shall from time to time seem expedient, but the proceeds to be applied exclusively to the payment of the principal and interest secured by the Debentures, and to the expense of laying out as Parks, &c., or the improvement for that purpose, of the unsold portions of that property.

This would give the Government at once, for Military or other purposes, an annual revenue from this source, equal to the interest on £50,000, and would (though at the expense of surrendering a large portion of the property,) enable the City, out of the residue, to lay out Parks, and provide to some extent in a less burdensome way for their formation and maintenance. I make this proposition on the assumption that the Railway tracks through the property, may, without expense to the city, be removed to such part of the Reserve as may not interfere with the judicious laying out of the property.

I cannot help remarking that under all the circumstances, it would seem out of the question for the Government, in treating with the City to assume that the absolute right to the property which the Executive claims is free from reasonable doubt; and I believe that the people of the City need be under no apprehension, that if they have rights, the Executive will endeavour to use its powers to legislate them away, or otherwise prevent them being made available.

Under these circumstances the proposal which I have the honor to submit will, I trust, be found to do justice as nearly as may be to both parties.

I make this communication on the understanding with the Attorney General that any proposal for a compromise would receive immediate attention, and would be without prejudice to the rights of the City in any way in case no compromise is effected.

I have, &c.,

(Signed,) JOHN HUTCHISON,
Mayor.

The Honorable
The Provincial Secretary.

PERMALIFE

PH

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THE HOLLINGER CORPORATION
ARLINGTON, VIRGINIA

PERMALIFE
PH 2.5
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